

REMARKS/ARGUMENTS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided Applicant again requests that the Examiner acknowledge Applicant's Claim for Priority and receipt of the certified copy of the priority document, and indicate that the drawings are acceptable, in the next Official Action.

Applicant also acknowledges with appreciation the indication that claims 5 and 8 would be allowable if rewritten into independent form to include all the limitations of the base claim and any intervening claim (*see*, Pages 3 and 4 of the Official Action dated August 31, 2007).

Applicant submits that the instant amendment is proper for entry after final rejection. Applicant submits that no question of prohibited new matter or any new issues are raised by entry of the instant amendment of the claims and that no new search is required.

Moreover, Applicant submits that the instant amendment places the application in condition for allowance or at least in better form for appeal by amending independent claims 1 and 2 to include substantially all the features recited in objected dependent claim 5, which the Examiner has indicated as being allowable in the previous Official Action. Please note the because claim 2 does not include the recitation of "at least one flexible joint section," the language in dependent claim 5, which refers to the at least one flexible joint section (i.e., in the alternative) has not been incorporated into amended independent claim 2.

Applicant requests that the Examiner enter the instant amendment, consider the merits of the same, and indicate the allowability of the present application and all pending claims.

Upon entry of the present amendment, claims 1 and 2 will have been amended, and claim 5 will have been canceled without prejudice or disclaimer to the subject matter contained therein. Claims 1, 3, 4, and 6-13 are currently pending, with dependent claims 4, 6 and 9-12 being amended to ensure conformance with amended independent claim 1. Applicant respectfully requests reconsideration of the outstanding rejection, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner rejected claims 1-4, 6, 7 and 9-13 under 35 U.S.C. § 102(b) as being anticipated by FEDERSPIEL et al. (U.S. Patent No. 6,972,367).

Without acquiescing to the propriety of the Examiner's rejection, Applicant has amended independent claims 1 and 2 to incorporate substantially all of the features recited in dependent claim 5. Thus, Applicant submits that claims 1 and 2 are placed in allowable form; and thus, it is not necessary to discuss the appropriateness of the rejection.

Further, Applicant expressly reserves the right to submit claims of a related scope in another application. Thus, the cancellation of claim 5 is without prejudice. Accordingly, Applicant respectfully requests an early indication of the allowance of all of the pending claims.

In view of the amendments and remarks herein, Applicant submits that independent claims 1 and 2 are in condition for allowance. With regard to dependent claims 3, 4, 6, 7 and 9-13, Applicant asserts that these claims are allowable on their own

merit, as well as because of their dependencies from claims 1 and 2, claims 1 and 2 having been amended to incorporate substantially all of the corresponding features of dependent claim 5 (which the Examiner has indicated as containing allowable subject matter).

Thus, it is respectfully submitted that all pending claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

Applicant submits that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicant has argued the allowability of the claims and pointed out deficiencies of the applied references. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

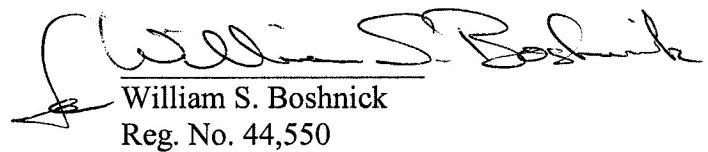
Applicant notes the status of the present application as being after final rejection and with respect to such status believes that there is a clear basis for the entry of the present amendment consistent with 37 C.F.R. § 1.116. Applicant notes amendments after final are not entered as a matter of right; however, Applicant submits that the present amendment does not raise new issues or the question of new matter. Moreover, the present amendment clearly places the present application in condition for allowance by amending independent claims 1 and 2 to recite substantially all of the features of objected dependent claim 5, which the Examiner indicated as being allowable in the Official Action.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance and should not be considered as surrendering equivalents of the territory between the claims prior to the present amendment and the amended claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based

upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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